

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
DECEMBER 11, 2014
HOLIDAY INN
2805 HIGHWOODS BOULEVARD
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Bill Booth
Ed Cobbler
Clyde Cook
Marcus Benson
William MacRae
Richard Epley
Eric Weaver Sr.
Robert Clark
Bud Cesena
Donald Foster
Hayden Church
Robert Clark
Brian Lowman

BOARD MEMBERS ABSENT

STAFF PRESENT

Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray– Attorney
Judy Pittman - Training Officer
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

Jermaine Norfleet
Jeff Huggins
David Arndt
Kenneth Sheffield
Cindy Colvin
Pam Mayfield
Donald Williams
Larry Flannery
Jeff Kiker
Jeremy Fulton
Cindy Cole

David Wall
Sandra Russell
Greg Hatten
Chris Green
Jolette Morrison
Scott Vaughn
Hollie Trivette
Robert Goldfinger
Terri Spry
Robert Dunn
Dorian Dehnel

David Roebuck
David Beetson
Jerry Pitman
Ruth Reynolds
Michael Walker
Micky Cochran
George Lisi
Walter Pylypiw
Chrystal Davis
Gary Pastor
Mark Wohlnick

Harry House

Bill Fletcher

Jeffrey Hayes

CALL TO ORDER

Chairman Eric Weaver called the December 11, 2014 Private Protective Services Board meeting to order at 9:08 a.m. Chairman Weaver welcomed all guests. Commissioner Baker was present to recognize Mr. Jerry Pitman and present him with the Order of the Long Leaf Pine. The Board also recognized Mr. Jim Stevens and Mr. Terry Wright for their service to the Private Protective Services Board.

BREAK: 9:22 a.m.

BACK IN SESSION: 9:45 a.m.

GOOD OF THE ORDER:

Attorney Jeff Gray explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

Mr. Gregory Hatten, president of the NCAPI greeted the Board and all of the guests. He reported that 231 people attended the NCAPI Fall Conference in Cherokee. Mr. Cook added that it was a great conference and he and Mr. Cobbler both attended.

Chairman Weaver welcomed and introduced the new board members, Mr. Hayden Church and Mr. Brian Lowman.

MINUTES:

APPROVAL OF THE OCTOBER 23, 2014 MEETING MINUTES

MOTION BY MR. COBBLER TO ACCEPT THE MINUTES; SECONDED BY MR. EPLEY; MOTION CARRIED.

APPROVAL OF THE DECEMBER 4, 2014 LAWS AND RULES COMMITTEE MEETING MINUTES

MOTION BY MR. MACRAE TO ACCEPT THE MINUTES; SECONDED BY MR. BOOTH; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, December 10, 2014 from 2:01 p.m. to 5:40 p.m. to review a total of 49 applications. (See report). The committee members

The following PPS Trainer courses are scheduled:

January 25-30, 2015 (0800-1700) UAGT Course & Workshop at WTCC
March 2, 2015 (1000-2300) FT Re-certification & Pre-Qualification Course NCJA

Mr. Bud Cesena discussed the issue of allowing industry members to carry patrol rifles and made the recommendation that the Board discuss it with the Commissioner Baker and Secretary Perry.

MOTION BY MR. CESENA TO ACCEPT THE RECOMMENDATION; SECONDED BY MR. BOOTH; MOTION CARRIED.

Mr. Cesena also discussed the board providing a prequalification class at Robeson Community College for industry members. It was determined that Robeson Community College should be encouraged to apply for the board's grant in order to provide this class without charge.

MOTION BY MR. CESENA THAT THE BOARD PROVIDE A PREQUALIFICATION CLASS TO INDUSTRY MEMBERS; SECONDED BY MR. BOOTH; MOTION CARRIED.

Mr. Dickson Skipper gave a presentation to the board and industry members regarding the benefit of patrol rifles.

Mr. Cobbler presented the continuing education courses for approval.

MOTION BY MR MACRAE TO ACCEPT THE CONTINUING EDUCATION COURSES; SECONDED BY MR. EPLEY; MOTION CARRIED.

MOTION BY MR. BENSON TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MR. CESENA; MOTION CARRIED.

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

NONE

Mr. Foster informed the board of the two companies he has researched for employment verification, CriminalRecordCheck and Work Number. He advised that the cost for CriminalRecordCheck would be about \$7,000.00 per year. This quote is based on the number of

verifications performed. The board decided to continue the discussion, determine a budget and bring back to the Grievance Committee.

MOTION BY MR. COOK TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. EPLEY; MOTION CARRIED.

LAWS AND RULES COMMITTEE

Mr. Epley advised the board of the decision to reduce the number of members for the Laws and Rules Committee. The members of the committee will now be Mr. MacRae, Mr. Cesena, Mr Lowman, Mr. Foster, Mr. Clark with Mr. Epley serving as chairman.

Mr. Bonapart reported that Mr. Foster will meet with Leonard Wolf regarding the requirements for the Guard Dog Profession license to determine the exact changes he would like the board to consider.

MOTION BY MR. BOOTH TO ACCEPT THE LAWS AND RULES COMMITTEE REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

BREAK: 10:10 a.m.
BACK IN SESSION: 10:25 a.m.

FINANCE REPORT:

Mr. MacRae reported that the he received an email from the Department of Justice that they will begin transferring \$87,000 of funds that belong to PPS/Department of Public Safety. Regarding the database upgrade there is a balance of \$180,000 to be paid.

MOTION BY MR. BENSON TO ACCEPT THE COMMITTEE'S REPORT; SECONDED BY MR. EPLEY; MOTION CARRIED.

ETHICS COMMITTEE:

Mr. Cook gave the new board members a brief summary of his role and duties as the ethics liaison.

OLD BUSINESS:

NONE

NEW BUSINESS:

Mr. Cesena suggested that the board look into running an AOC check each night on current employees to see if there are any new charges or arrests. Mr. Weaver suggested that this be referred to the Laws and Rules committee. Mr. MacRae suggested that the board focus on the completion of the database upgrade before starting any new projects.

Mr. Cook discussed a common issue that arises during grievance hearings, that being individuals who claim not to have known that a license was required for work they have conducted. He asked Attorney Gray if there was any type of provision that the board can initiate with the Secretary of State that advises individuals filing for a business license that a license is required with PPS. Attorney Gray advised that there are some occupational boards that have this type of provision with the Secretary of State's office.

MOTION BY MR. COOK TO REFER THIS ISSUE TO THE LAWS AND RULES COMMITTEE FOR FURTHER CONSIDERATION; SECONDED BY MR. CESENA; MOTION CARRIED.

FINAL AGENCY DECISION

Attorney Jeff Gray removed himself as counsel to the Board to present the following cases. He also advised that paragraph 11 of his report was deleted and paragraph 9 modified that the appeal had not been decided.

The Board received the official record for the following case:

David R. Beatson 14 DOJ 04313 (attachment 2). Mr. Beatson was present. This case was heard by Administrative Law Judge J. Randolph Ward on July 29, 2014. This case involved the denial of Petitioner's unarmed guard registration permit renewal based on lack of good moral character and demonstration of intemperate habits as evidenced by a conviction of misdemeanor Assault & Battery – 3rd Degree.

Administrative Law Judge J. Randolph Ward proposes that Petitioner be issued an unarmed guard registration permit.

Mr. Cook recused himself.

MOTION BY MR. COBBLER TO AFFIRM JUDGE'S DECISION; SECONDED BY MR. BOOTH; MOTION CARRIED.

Jermaine Chareem Norfleet 14 DOJ 05702 (attachment 3). Mr. Norfleet was present. This case was heard by Administrative Law Judge Craig Croom on August 26, 2014. This case involved whether Petitioner should be denied a security guard and patrol license based on Petitioner having violated a written cease and desist letter issued by the Board.

Administrative Law Judge Craig Croom recommends that the denial of Petitioner's application for an armed and unarmed security guard and patrol business license be upheld.

MOTION BY MR. BOOTH TO UPHOLD JUDGE'S DECISION; SECONDED BY MR. BENSON; MOTION CARRIED.

DIRECTOR'S REPORT:

Deputy Director Anthony Bonapart read the report for the record. The current PPS budget as of October 31, 2014, has a balance of \$1,131,685.75; the Education Fund balance is \$69,682.10. As of December 9, 2014, the total registrations for PPS is 16,413, 1,751 licensees, and 597 certifications.

Mr. Bonapart reported that there have been a total of 1,980 various correspondences printed from the PPS database, 2,474 registration cards have been printed and a total of 4,030 applications received since the last Board meeting.

Mr. Bonapart reported that the go live date for the new computer system is January 26, 2015. Mr. MacRae asked if there would be scheduled training for industry members. Mr. Bonapart advised there would be training and the board would be informed when the dates have been determined.

MOTION BY MR. BOOTH TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

ATTORNEY'S REPORT:

Mr. Weaver asked if there was an organizational structure to the Administrative rules and if not could an index be added. Attorney Gray advised that currently there isn't but he could work on adding an index while renumbering the rules. He also advised the board that if they wanted to add the House Bill 466 it would need to be done before 2015.

Mr. MacRae suggested the Laws and Rules committee should have a phone conference to finalize the bill during the last week of the month. Mr. Cook also suggested that the board act on a bill to incorporate security officers on public school property.

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Paul Manley Jr. /Show Pros Entertainment Services of Charlotte, Inc. On October 24, 2013 the Private Protective Services Board voted to enter into a consent agreement with Mr. Manley in the amount of \$15,586.40 in twelve monthly installments for registration violations with the first payment due January 1, 2014. The twelfth payment was received on November 26, 2014. (\$1,298.86). Paid in full.
2. Scott Smithers/Eye Spy Investigations. On December 12, 2013, the Private Protective Services Board voted to assess a civil penalty in the amount of \$1,000.00 for failing to

offer a written report to a client. Mr. Smithers later declined the consent agreement and requested a hearing before the Office of Administrative Hearings. At the board's October 23rd meeting a Final Agency Decision was entered suspending Mr. Smithers's license for 6 months. Mr. Smithers was served with the Final Agency Decision on November 6, 2014. His 30 days in which to petition for judicial review expired on December 6th.

3. Lance Jones/Safe & Secure Worldwide Protection Group, LLP. On August 21, 2014 the Board voted to enter into a consent agreement with Mr. Jones in the amount of \$1,407.60 for failing to properly register unarmed guards. Paid in full.
4. Mr. Cleveland Lamar Bridges and American Citadel Guard, Inc. On October 23, 2014 the Private Protective Services Board voted to enter into a consent agreement with Mr. Bridges in the amount of \$7,099.20 for registration violations.
5. Mr. Owence Pascal Jean-Baptiste and Centinel Armed Service, LLC. On October 23, 2014 the Private Protective Services Board voted to enter into a consent agreement with Mr. Jean-Baptiste in the amount of \$1,101.60 for registration violations.
6. Mr. Joseph Daniel Washington and A1 Tactical Protection Services, LLC. On October 23, 2014 the Private Protective Services Board voted to enter into a consent agreement with Mr. Washington in the amount of \$673.20 for registration violations.
7. Mr. Maurice La-Von Hayes and Carolina Security Agency. On October 23, 2014 the Private Protective Services Board voted to enter into a consent agreement with Mr. Hayes in the amount of \$673.20 for registration violations.

II. OFFICE OF ADMINISTRATIVE HEARINGS

October 29, 2013	PPSB Jesse J. Williamson	Denial of Unarmed Security Guard Registration Permit
June 24, 2014	PPSB Kerry Allen Graves	Suspension of license for 90 days
	PPSB Angel Ruberto Anderson	Suspension of firearms registration
July 29, 2014	PPSB David R. Beatson	Denial of Unarmed Permit
August 26, 2014	PPSB Jermaine Chareem Norfleet	Denial of Security Guard & Patrol License

	PPSB Jeremy Clark	Summary suspension of Unarmed Guard Registration Permit
November 18, 2014	PPSB Bobby Andrew Boudreau PPSB Allen Leslie Jackson PPSB Gordon Fareed Shaw PPSB Markus Schopfer Von Stolz	Denial of Unarmed Permit Denial of Unarmed Permit Denial of Unarmed Permit Denial of Unarmed Permit
December 16, 2014	PPSB Kia Kena Graham PPSB Jimmy Darrell Hollar PPSB Erick Maurice Wallace PPSB John Lee Powell, Sr.	Denial of Unarmed Permit Denial of Armed Guard Permit Denial of Unarmed Permit Denial of Security Guard and Patrol Renewal

III. RULES

1. The Public Hearing for amendments to 12 NCAC 007D.0105, 0.116,.0809, .1408 and .1508 was held at the board’s office 4901 Glenwood Avenue, Suite 200, Raleigh, North Carolina on August 27, 2014 at 2:00 p.m., and the Public Comment Period ended September 30, 2014. The Board adopted these administrative rule amendments at its October 23, 2014 meeting. These rule amendments are calendared for the Rules Review Commission’s meeting on December 17, 2014.
2. As a part of the transfer to the Department of Public Safety the Board’s administrative rules will also have to be amended to reflect this change and transferred to another Title within the North Carolina Administrative Code. There are five (5) references to “Attorney General” in the Board’s rules and one (1) reference to “Department of Justice.” The Budget Act made all the appropriate changes throughout the General Statutes, including Chapter 114 which governs the Attorney General and the Department of Justice, Chapter 74C which governs Private Protective Services and Chapter 74D which governs Alarm Systems Licensing Board, but the Board will have to go through an “abbreviated” rule amendment process to make the conforming changes to its administrative rules. Notice and a public hearing will not be required, but review by the Rules Review Commission will.

Mr. Gray has been in contact with Molly Masich, Codifier of Rules, and Dana Vojtko, Publications Coordinator, on Monday, December 8th. Numbers have now been assigned under Title 14B (DPS’s section of the Code) and Mr. Gray will begin the process of reassigning numbers to the Board’s rules and making conforming changes within certain rules (i.e. “cross-references.”)

IV. LEGISLATION

1. The General Assembly adjourned for its 2013-2014 Biennial Session with no further action on House Bill 466, "Amend Private Protective Services Act/Fees." This issue was discussed during the Law and Rules Committee meeting on December 4, 2014. Before January 2015, the Board will need to vote on seeking introduction of the same or a similar bill in the 2015-2016 Biennial Session.
2. Attorney Gray has previously reported that during the 2012 Session of the Legislature, the Joint Legislative Administrative Procedures Oversight Committee replaced the Joint Select Regulatory Reform Committee. This committee now has oversight over the study by the Program Evaluation Division (PED) of the structure, organization and operation of all occupational licensing boards in the State and the feasibility of a single "umbrella" agency as required by Section 10(a) of S.L. 2013-413. Attorney Gray has been attending the meetings of this Committee.

The PED began the process of evaluation of boards in May, 2014. Only four (4) boards were visited and the staffs interviewed. The remainder is to be evaluated through a "questionnaire" which all boards, including PPSB, received on July 9th. It contained 58 questions, the majority of which were related to financial issues. The responses were submitted by the deadline of July 31st. The PED's final report on all occupational and professional licensing boards is due to the Administrative Procedures Oversight Committee by December 31, 2014.

3. On July 10, 2014 Governor Pat McCrory signed Senate Bill 741 (S.L. 2014-67), "An Act to Enhance the Effectiveness of the Occupational Licensing of Military Service Members." This Act amends the recently enacted amendments to Chapter 93B of the General Statutes regarding military-trained applicants and applicants who are spouses of active duty military. (The Board's amendments to its administrative rules to effectuate these requirements were effective October 2, 2013.)

The Act deleted the provision in N.C.G.S. 93B-15.1(a)(1) that the applicant's experience is a determination to be made by the Board. It also requires the Board to notify the military-trained applicant within 30 days following receipt of an application whether the applicant's military training and experience satisfies the requirements for licensure, registration or certification. The Board must publish a document listing the specific requirements for licensure that are satisfied by military training and experience and publish it on the Board's website and the website of the North Carolina Division of Veterans Affairs. The Board must further contact training offices at military installations or any other federal offices that provide information on military occupational specialties and training for the purpose of acquiring information necessary for determining the applicability and correlation of military

training and experience to the criteria and requirements for licensure, certification or registration.

No later than September 1, 2014, each occupational licensing board was required to submit a report to the co-chairs of the Legislative Research Commission Study Committee on Civilian Credit for Military Training and State Adjutant Selection Criteria with the status of the required document and the results of their consultation with military training officials as required by the Act.

Similar amendments to this same statute necessitated changes to seven of the Board's administrative rules in October 2013: 12 NCAC 07D .0301 (Experience Requirements for Security Guard and Patrol License), .0302 (Experiences Requirement's for Guard Dog Service License), .0401 (Experience Requirements for Private Investigator License), .0501 (Experience Requirements for Polygraph License), .0601 (Experience Requirements for Psychological Stress Evaluator), .0901 (Experience Requirements for Firearms Trainer Certification), and .0909 (Experience Requirements for Unarmed Trainer Certification.) While each of these rules states that the applicant must "establish to the Board's satisfaction" that the applicant has "two years...verifiable experience," and the latest amendment prevents the Board from making an independent determination of that experience, the current version of these rules still appears to be compliant and no (further) changes should be necessary.

V. PENDING CASES

As previously reported, the Plaintiff has refiled the civil action against Board Investigator Sarah Conner, the Board, the City of Charlotte, the Charlotte-Mecklenburg Police Department and various officers of the Charlotte-Mecklenburg PD in *Kelly v. Conner, et al.*, No. 3:13-CV-636 – WDNC. Mr. Kelly was unlicensed as a security guard business and unregistered, but performing security guard and patrol services. He is also a convicted felon. He was arrested and charged with, among other violations, violating Chapter 74C.

The Attorney General's Office is again representing Ms. Conner.

The Board has responded to Plaintiff's First Set of Interrogatories and Request for Production of documents received on May 29, 2014. The Plaintiff was deposed by counsel for the Defendants on October 16th, but additional time was needed and his deposition was continued until November 5th. Director Wright was deposed on November 21st. Two (2) of the CMPD officers and Ms. Conner are to be deposed on December 17th. The deadline to complete discovery expires on December 20, 2014.

Mr. Gray, along with the attorneys representing the other Defendants, plan to file motions to dismiss on behalf of our respective clients in mid-December once discover is completed.

MOTION BY MR. CLARK TO ACCEPT ATTORNEY’S REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

PUBLIC COMMENT:

Mr. Walter Pylypiw invited all members of the board to attend the American Legion state convention where his company, Federal Security Services, LLC, will receive the award for small business.

Mr. Bonapart informed that board that he will already be in attendance serving as the vice chairman of the National Security Council therefore he can represent the board.

MOTION BY MR. BOOTH TO ADJOURN; SECONDED BY MR. COBBLER; MOTION CARRIED.

11:46 a.m. Adjourned

Anthony B. Bonapart, Deputy Director

Maia Washington-Powell, Licensing Assistant